

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # **13**

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SALINAS

USCA NO. \_\_\_\_\_

-v-

SDNY NO. 07cv3420

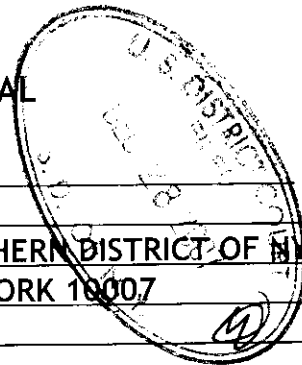
JUDGE: LBS

DATE: 12/28 / 2007

ARTUS  
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INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.  
FIRM APPEALS SECTION  
ADDRESS UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NY  
500 PEARL STREET, NEW YORK, NEW YORK 10007  
PHONE NO. (212) 805-0636



DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

\_\_\_\_\_  
Clerk's Certificate

\_\_\_\_\_  
See Attached List of Numbered Documents

\_\_\_\_\_  
Only Circled Documents Included

( ☒ ) Original Record

( ☐ ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 28<sup>th</sup> Day of December, 2007.

**United States District Court for  
the Southern District of New York**

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SALINAS

-v-

ARTUS  
-----

Date: 12/28/ 2007  
U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 07cv3420

D.C. JUDGE LBS


**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 12, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

**Date Filed**

**Document Description**


In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 28<sup>th</sup> Day of December In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232<sup>nd</sup> year.

J. Michael McMahon, Clerk  
By   
Deputy Clerk




APPEAL, CLOSED, HABEAS, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-03420-LBS**  
**Internal Use Only**

Salinas v. Artus  
Assigned to: Judge Leonard B. Sand  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 04/30/2007  
Date Terminated: 12/04/2007  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus (General)  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/30/2007	<u>1</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254..Document filed by Francisco Salinas.(laq) (Entered: 05/03/2007)
04/30/2007		Magistrate Judge Theodore H. Katz is so designated. (laq) (Entered: 05/03/2007)
05/22/2007	<u>2</u>	ORDER the Clerk of Court shall serve a copy of this Order and Petition, by certified mail, on Andrew Cuomo, the Attorney General of the State of New York, and shall also send a copy of this Order, by certified mail, upon Francisco Salinas. I therefore direct that Respondent file an answer within forty (40) days of the date of this Order. Petitioner is hereby granted fourteen (14) days from the date on which he is served with Respondent's Answer to file a response. (Signed by Judge Leonard B. Sand on 5/21/2007) (tve) (Entered: 06/13/2007)
06/13/2007		Mailed a copy of <u>2</u> Order to Answer, to Francisco Salinas by Certified Mail # 7001 2510 0002 8738 2404 with Return Receipt Requested. (tve) (Entered: 06/13/2007)
06/13/2007		Mailed a copy of <u>2</u> Order to Answer, <u>1</u> Petition for Writ of Habeas Corpus to the Attorney General of the State of New York by Certified Mail # 7001 2510 0002 8738 2411 with Return Receipt Requested. (tve) (Entered: 06/13/2007)
06/13/2007	<u>3</u>	ORDER the Clerk of Court shall serve a copy of this Order and Petition, by certified mail, on Andrew Cuomo, the Attorney General of the State of New York, and shall also send a copy of this Order, by certified mail, upon Francisco Salinas. I therefore direct that Respondent file an answer within forty (40) days of the date of this Order. Petitioner is hereby granted fourteen (14) days from the date on which he is served with Respondent's Answer to file a response. (Signed by Judge Leonard B. Sand on 5/21/2007) (tve) (Entered: 06/18/2007)
06/26/2007		Received Return Receipt of <u>2</u> Order to Answer, <u>1</u> Petition for Writ of Habeas Corpus as to the Attorney General of the State of New York, which was served by Certified Mail # 7001 2510 0002 8738 2411, on 6/20/2007. (tve) (Entered: 09/13/2007)
06/28/2007		Mailed a copy of <u>3</u> Order to Answer, to Francisco Salinas by Certified Mail # 7001 2510 0002 8738 2053 with Return Receipt Requested. (tve) (Entered: 06/28/2007)
06/28/2007		Mailed a copy of <u>3</u> Order to Answer, <u>1</u> Petition for Writ of Habeas Corpus to the Attorney General of the State of New York by Certified Mail # 7001 2510 0002 8738 2060 with Return Receipt Requested. (tve) (Entered: 06/28/2007)
07/11/2007	<u>4</u>	ENDORSED LETTER addressed to Judge Leonard B. Sand from Nicole Beder dated 6/27/2007 re: Nicole Beder Assistant District Attorney request an extension of time, my first such request, up until and including August 3, 2007, to prepare a response. ENDORSEMENT: Granted. Responses due by 8/3/2007 (Signed by Judge Leonard B. Sand on 7/9/2007) Copies Mailed By Chambers.(jmi) (Entered: 07/13/2007)
07/26/2007	<u>7</u>	PRO SE MEMORANDUM dated 8/7/07 re: CHANGE OF ADDRESS for Francisco Salinas. New Address: #02-A-4756, Great Meadow Corr. Fac., Box 51, Comstock, NY, 12821-0051. (tro) (Entered: 08/23/2007)
08/02/2007	<u>5</u>	ANSWER AND APPENDIX opposing Petition for Writ of Habeas Corpus. Document filed by Dale Artus.(pl) (Entered: 08/06/2007)
08/02/2007	<u>6</u>	MEMORANDUM OF LAW in Support of <u>5</u> ANSWER AND APPENDIX opposing Petition for Writ of Habeas Corpus. Document filed by Dale Artus. (jpo) (Entered: 08/09/2007)
09/11/2007	<u>8</u>	PRO SE MEMORANDUM dated 9/14/07 re: CHANGE OF ADDRESS for Francisco Salinas. New Address: #02-A-4756, Sing Sing Correctional Facility, 354 Hunter Street, Ossining, NY, 10562 (kco) (Entered: 09/19/2007)
09/19/2007		Received Return Receipt of Mail Order by Certified Mail as to Francisco Salinas, which was served by Certified Mail # 7001 2510 0002 8738 2404, on 6/21/07. (db) (Entered: 09/19/2007)
10/23/2007	<u>9</u>	ORDER by letter dated July 30, 2007, petitioner notified the court of the difficulties he is experiencing in acquiring medical records pertinent to his habeas corpus application. While the relevance of the records is unknown, the Court will grant plaintiff an additional 30 days to submit this medical evidence. Plaintiff must submit any additional material

		by November 21, 2007. After this date, the court will consider the matter fully submitted and will rule on the application. SO ORDERED. (Signed by Judge Leonard B. Sand on 10/20/2007)Copies Mailed By Chambers (jmi) (Entered: 10/24/2007)
12/03/2007		MEMORANDUM & ORDER: The petition for a writ of habeas corpus is DENIED. Because petitioner has not "made a substantial showing of the denial of constitutional right," 28 U.S.C. 2253(c)(2), a certificate of appealability will not issue. (Signed by Judge Leonard B. Sand on 12/3/07) (tro) (Entered: 12/04/2007)
12/03/2007		Transmission to Judgments and Orders Clerk. Transmitted re: <u>10</u> Order Dismissing Petition, to the Judgments and Orders Clerk. (tro) (Entered: 12/04/2007)
12/04/2007		CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated December 3, 2007, defendants motion for summary judgment is granted; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 12/4/07) (ml) (Entered: 12/04/2007)
12/19/2007		NOTICE OF APPEAL from <u>11</u> Clerk's Judgment. Document filed by Francisco Salinas. Copies of Notice of Appeal mailed to attorney(s) of record: New York County District Attorney's Office. (nd) (Entered: 12/27/2007)
12/19/2007		Appeal Remark as to <u>12</u> Notice of Appeal filed by Francisco Salinas. \$455.00 APPEAL FILING FEE DUE. (nd) (Entered: 12/27/2007)
12/27/2007		Transmission of Notice of Appeal to the District Judge re: <u>12</u> Notice of Appeal. (nd) (Entered: 12/27/2007)
12/27/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>12</u> Notice of Appeal. (nd) (Entered: 12/27/2007)